

Appointment

From: Williams, Felicia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6527F339DDB0443C8FA6188E5038057D-FWILLI02]
Sent: 6/7/2019 12:38:58 PM
To: Stepp, Cathy [stepp.cathy@epa.gov]; Thiede, Kurt [thiede.kurt@epa.gov]
Subject: Meeting with Rosebud Mining Company
Location: RA's Large Conf. Rm.
Start: 6/27/2019 8:00:00 PM
End: 6/27/2019 9:00:00 PM
Show Time As: Busy

From: Matt Mazefsky <Matt.Mazefsky@rosebudmining.com>
Sent: Monday, June 3, 2019 3:24 PM
To: Girard, Alexander <girard.alexander@epa.gov>
Subject: Request for Meeting with Region 5 Administrator, Cathy Stepp

Good afternoon Alexander. My name is Matt Mazefsky, and I serve as General Counsel of Rosebud Mining Company. We are a coal mining company with multiple underground room and pillar mines in Pennsylvania and Ohio. Currently, Rosebud employs approximately 850 employees across those states. Over the better part of the last two years, Rosebud has been working with the Ohio EPA to find a solution to a permit appeal that Rosebud filed with the State of Ohio in 2016 relating to its proposed Scott Farm Refuse Area ("Scott Farm").

As a very brief summary, in 2016, the Ohio EPA issued a permit to Rosebud for Scott Farm that included Whole Effluent Toxicity Testing ("WETT Testing"). The WETT Testing parameter is intended to test the toxicity of Rosebud's effluent discharges. Rosebud, however, has found WETT Testing to be unreliable and ineffective at identifying toxic constituents in mine water. Rosebud, on the other hand, has used an Osmotic Pressure parameter as a surrogate to WETT Testing with great success in Pennsylvania. Accordingly, Rosebud made the case for Osmotic Pressure in place of WETT Testing to the Ohio EPA. After a very lengthy discussion process that included intensive vetting of a proposed Osmotic Pressure solution, the Ohio EPA transmitted a letter to Rosebud on February 8, 2019, that resolved the permit appeal, subject only to public comment. The resolution called for the use of Osmotic Pressure as a testing parameter instead of WETT with a maximum concentration of Osmotic Pressure for the permit of 50 mOsm/kg. To our knowledge, no public comment was ever received.

Rosebud has since learned, however, that Region 5 is not in favor of the Osmotic Pressure resolution arrived at by Ohio and Rosebud. The Region informed the Ohio EPA that Osmotic Pressure as a toxicity parameter should be tabled and that the parties should look for a new alternative. We would like to discuss this directive with the Region as Rosebud believes that the State of Ohio and Rosebud arrived at a solution that both protects the environment and allows the parties to move on from the Permit appeal. We'd appreciate the opportunity to discuss the matter with Ms. Stepp and other appropriate individuals in Region 5 in more detail. We'd be happy to provide materials in advance of any discussion to provide further background on the subject.

Thank you for your time and consideration. My contact information follows below should you need any additional information.

Best Regards,

Matt Mazefsky
 General Counsel

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